

In re ) Fair Hearing No. 21,025  
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Appeal of )

The petitioner appeals a decision by the Department for Children and Families reducing his monthly Food Stamps. The issue is whether the Department correctly reduced petitioner's Food Stamps based on a change in petitioner's income. The facts are not in dispute.

1. The petitioner is a single person household. When petitioner first applied for Food Stamps, petitioner had no income and no housing. As a result, petitioner received \$155 per month in Food Stamps.

2. Petitioner was approved for Social Security disability benefits in the amount of \$560 per month. Based on the change in petitioner's income, the Department issued a notice on July 10, 2007 to reduce petitioner's Food Stamp benefits to \$27 per month.<sup>1</sup>

<sup>1</sup> Petitioner subsequently became eligible for Section 8 housing and found an apartment starting August 1, 2007. Based on the regulatory deductions

3. Petitioner filed a timely appeal of the reduction in his Food Stamps. A hearing was held on August 22, 2007. The petitioner did not dispute the facts but disputed Food Stamp policies and financial limits.

ORDER

The Department's decision to reduce petitioner's Food Stamps is affirmed.

REASONS

The food stamp program was created to combat hunger and malnutrition among low income households. Food Stamp Manual (FSM) § 271.1. Once a household is certified, the household's certification or eligibility for the food stamp program is reevaluated periodically to determine whether the household continues to meet the eligibility requirements and, if so, the amount of the benefit. A change in a household's income will trigger a reevaluation of the household's benefits. FSM § 273.12.

The Food Stamp program requires the Department to look at all income regardless of the income's source. FSM § 273.9(b). Income includes Social Security Disability

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for housing expenses, petitioner will be eligible for \$54 per month in Food Stamps.

benefits; these benefits are defined in the regulations as unearned income.<sup>2</sup> FSM § 273.9(b)(2). Participation in the program is limited to households who have gross income below 130 percent of the Federal Poverty Level (FPL) or below 100 percent of the FPL if a household member is disabled. FSM § 273.9(a).

When the petitioner first applied for Food Stamps, he was homeless and had no income. When petitioner's income changed, the Department recalculated his Food Stamp benefits. Based on the income deductions set out in FSM § 273.9(d), the Department subtracted the standard deduction of \$134 from his monthly income of \$560 leaving petitioner with countable income of \$426 per month. Based on the Food Stamp Allotment Tables set out at P-2590D, the Food Stamps benefit is \$27 per month.

Petitioner believes the benefit levels are too low. However, the Department's decision is in compliance with applicable law. The Board does not have the authority to change a Department decision that complies with the law even

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<sup>2</sup> The petitioner does not agree that his Social Security benefits should be considered unearned income because the amount is based upon payments he made into the Social Security Administration from wages. The regulations define earned income as income coming from current employment.

though the Board may disagree with the results. 3 V.S.A. § 3091(d).

Accordingly, the Department's decision to reduce petitioner's Food Stamps is affirmed.

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